

REMARKS

In response to the Final Office Action mailed October 14, 2009, favorable reconsideration of the subject application is respectfully requested in light of the above amendments and the following remarks. Claim 17 has been amended and claim 54 has been newly added by the above amendment. The claim amendments herein are not to be confused with acquiescence to the Examiner's stated grounds for rejection and are made without prejudice to prosecution of any subject matter removed or modified by this amendment in a related divisional, continuation or continuation-in-part application. Following the amendments, claims 17, 21-28, 32-33 and 54 are pending and under examination in the application.

No new matter has been added by the above amendments. Support for amended claim 17 can be found, for example, at (e.g., page 26, lines 26-31 of WO 03/062401). In addition, new claim 54 is dependent on claim 17 and further specifies that the claimed monoclonal antibody is not a bi-specific antibody. The specification as originally filed clearly describes various types of antibodies that were well known and understood in the art at the time of filing, including some which are characterized as being bi-specific (e.g., page 29, lines 3-8 of WO 03/062401) and many others which are not bispecific (e.g., WO 03/062401 at page 26, line 24 to page 28; line 19; and elsewhere). Accordingly, as new claim 54 merely further defines the claimed antibodies as excluding certain antibody types that find explicit basis in the specification as filed, no new matter has been added.

***Rejection Under 35 U.S.C. § 102(e)***

The rejection against claims 17, 21-28 and 32-33 under 35 U.S.C. § 102(e) as allegedly being anticipated by WO 2002/066516 ("Kindsvogel") has been maintained by the Examiner. According to the Examiner, Kindsvogel discloses a monoclonal antibody that binds to BCMA, as well as bi-specific antibodies that bind to BCMA, where the sequence of BCMA is identical to presently claimed SEQ ID NO: 4. In reply to Applicants' prior arguments in the Amendment filed June 10, 2009, the Examiner states that the quotation from the instant specification is taken from a paragraph explaining what is meant by the words "specifically bind". The Examiner further states that the anti-BCMA portion of the bi-specific antibody of Kindsvogel specifically binds BCMA and the anti-TACI portion of the bi-specific antibody of

Kindsvogel specifically binds TACI. The Examiner further asserts that one of skill in the art would not conclude based on reading the instant disclosure that the definition applied to “specifically bind” excludes bi-specific antibodies that specifically bind two different target epitopes because each of the antibodies of the bi-specific antibody “specifically bind” to their target epitope. This rejection is traversed.

Solely for purposes of advancing prosecution, and without acquiescence or prejudice to further prosecution, independent claim 17 has been amended to be directed to a method for treating chronic lymphocytic leukemia (CLL) in a mammalian subject by administering to the subject an effective amount of an isolated monoclonal antibody that specifically binds to a polypeptide comprising the sequence set forth in SEQ ID NO: 4, and does not react detectably with polypeptides unrelated to SEQ ID NO: 4.

Kindsvogel describes the use of dual reactive or bi-specific antibodies in the treatment of certain hematological malignancies, including chronic lymphocytic leukemia, as noted by the Examiner. Such antibodies are clearly required to bind both BCMA and TACI. Kindsvogel does not teach or suggest any monoclonal antibody that is not dual reactive or bi-specific that could or should be used in a method for treating chronic lymphocytic leukemia, as presently claimed by Applicants.

Accordingly, as present claim 17 does not employ or encompass antibodies that react with proteins unrelated to SEQ ID NO: 4, such as the antibodies described by Kindsvogel, which bind both BCMA and TACI, Applicants submit that Kindsvogel does not anticipate the present claims. Applicants further note that new claim 54, which requires that the claimed antibody “is not a bi-specific antibody” is also clearly novel over Kindsvogel.

Reconsideration and withdrawal of the Examiner’s rejection is therefore respectfully requested.

Favorable consideration and a Notice of Allowance are earnestly solicited. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,  
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